

Our Docket No.: 003543.P002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hai Bui

Application No.: 09/316,851

Filed: May 21, 1999

For: Constant Ocular Pressure Active
Infusion System

Examiner: Michael M. Thompson

Art Group: 3763

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NOV 29 2001

AMENDMENT AND RESPONSE TO THE OFFICE ACTIONAssistant Commissioner for Patents
Washington, DC 20231-9998

Sir:

In response to the outstanding Office Action, mailed September 13, 2001, please amend the above-identified Application as follows:

IN THE DRAWINGS

Applicant requests the Examiner's approval of Figure 2 which illustrates the accumulator in greater detail. No new substantive matter has been added. A separate letter regarding these proposed changes is being sent to the draftsperson as set forth in MPEP §602.02(r).

IN THE SPECIFICATION

Please amend the Specification as follows:

Please insert the following paragraph on page 5 as the last paragraph:

Figure 2 is an exemplary embodiment of the accumulator of Figure 1.

Please replace the paragraph beginning at page 7, line 9 with the following paragraph:

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (714) 557-3800

INTELLECTUAL PROPERTY LAW
3200 PARK CENTER DRIVE
SUITE 700
COSTA MESA, CALIFORNIA 92626

FACSIMILE: (714) 557-3347

FACSIMILE COVER SHEETFax Transmission To*Examiner Thompson*Regarding*App. No. 09/316,851; Docket No.
003543.P002
(31 pages including cover page)***USPTO**
703-306-4520Fax Transmission From*William W. Schaal
11/29/01**Attached for filing, please find the Amendment and Response to the Office Action
dated September 13, 2001.***FAXED COPY RECEIVED****NOV 29 2001**

**If you do not receive all the pages, or if there is any difficulty in receiving, please call (714)
557-3800 and ask for Corrinn Reynolds.****CONFIDENTIALITY NOTE**

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FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)

0.00

Complete if Known

Application No.	09/316,851
Filing Date	May 21, 1999
First Named Inventor	Hai Bui
Examiner Name	Michael M. Thompson
Group/Art Unit	3763
Attorney Docket No.	3543PU02

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **02-2666**Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP** Charge Any Additional Fee(s) Required Under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. Applicant claims small entity status. See 37 CFR 1.27.

2. Payment Enclosed:

 Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee	Fee	Fee	Fee Description	Fee Paid
Code	Code	(\\$)	Code	(\\$)		
101	740	201	370	Utility filing fee		
106	330	206	185	Design filing fee		
107	510	207	255	Plant filing fee		
108	740	208	370	Reissue filing fee		
114	160	214	80	Provisional filing fee		

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES		Extra Claims	Fee from below	Fee
Total Claims	Independent Claims	30 - 30 = 0	x 9.00	\$0.00
5	- 5 = 0	x 42.00	=	\$0.00

Large Entity	Small Entity	Fee	Fee	Fee Description	Fee Paid
Code	Code	(\\$)	Code	(\\$)	
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple Dependent claim, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

0.00

*or number previously paid, if greater. For Reissues, see below

3. ADDITIONAL FEE

Large Entity	Small Entity	Fee	Fee	Fee Description	Fee Paid
Code	Code	(\\$)	Code	(\\$)	
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
138	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	480	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	180	Notice of Appeal	
120	320	220	180	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	480	243	280	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
128	180	128	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
148	740	248	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	970	Request for Continued Examination (RCE)	
189	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

0.00

Complete if applicable

Name (Print/Type)	William W. Schaal	Registration No. (Attorney/Agent)	39,018	Telephone	(714) 557-3800
Signature		Date	11/29/01		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/21 (12/97)

Approved for use through 9/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

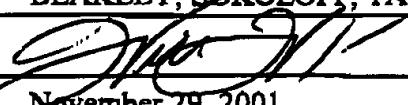
(to be used for all correspondence after initial filing)

		Application No.	09/316,851
		Filing Date	May 21, 1999
		First Named Inventor	Hai Bui
		Group Art Unit	3763
		Examiner Name	Michael M. Thompson
Total Number of Pages in This Submission	28	Attorney Docket Number	3543P002

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	William W. Schaal, Reg. No. 39,018 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	November 29, 2001

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile under 37 CFR §1.8 on:

November 29, 2001

Typed or printed name	Corrinn R. Reynolds
Signature	
Date	November 29, 2001

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Application No.: 02516.051 Filing Date: 05/21/99 BST&Z Docket #: 1543P002
Date Mailed: 11/22/00 Docket Date Dated: 11/22/00 Client: Euklidion
Title: Constant Octobar Pressure Active Infusion System

Inventor(s)

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- Amendment (25 pages) Information Disclosure Statement & PTOS/BUS (pages)
 Appeal Brief & two copies (pages) Issue Fee Transmittal (original & copy)
 Application: (pages w/ cover & abstract) Notice of Appeal
 Assignment & Cover Sheet (pages) Petition for _____
 Certificate of Facsimile Request for Continued Examination (RCE)
 Continued Prosecution Application (CPA) Reply Brief (pages)
 Declaration & POA (pages) Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)
 Drawings: _____ sheets, _____ figures Request to Resend Previous Nonpublication Request
 Express Mail No: _____ Response to Notice of Missing Parts & Formalities Letter
 Extension of Time: _____ Terminal Disclaimer
 Fee Transmittal (original & copy) Transmittal of Formal Drawings
 Other Transmittal of Publication Fee Due
 Transmittal Letter
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